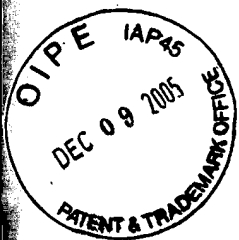


Application No. 09/931,896
Amended Brief of Appeal dated December 8, 2005
Relating to Office Action of June 28, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application No. : 09/931,896
Confirmation No. : 4032
Applicant : Jean-Sébastien Lessard et al.
Filed : August 20, 2001
TC/A.U. : 2157
Examiner : Barbara N. Burgess
Docket No. : 2648-003
(formerly 6352-002-US-02)

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

AMENDED APPEAL BRIEF UNDER 37 CFR § 41.37

Madam, Sir:

In response to the Notice of Non-Compliant Appeal Brief dated November 30, 2005, the Appellants are hereby filing an Amended Brief of Appeal pursuant to **37 CFR § 41.37(d)**.

The original Appeal Brief, which was filed on September 14, 2005, was in furtherance of the Notice of Appeal that was filed in the above-captioned application on August 26, 2005.

Appellants file herewith an Amended Appeal Brief (submitted in triplicate) under 37 CFR § **41.37** in connection with the aforementioned application, wherein claims 1-24 were finally rejected in the Office Action mailed June 28, 2005.

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Application No. 09/931,896
Amended Brief of Appeal dated December 8, 2005
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STATUS OF THE APPLICANT

Pursuant to 37 CFR § 1.27(a), this application is on behalf of a small entity.

FEE FOR FILING A BRIEF OF APPEAL

Pursuant to 37 CFR § 41.20(b)(2), the fee for filing the Brief of Appeal is: **\$ 250.00**

TOTAL FEES DUE

The total fees due are:

Brief of Appeal Fee: **\$ 250.00**

FEE PAYMENT

The United States Patent and Trademark Office is hereby authorized to charge the amount of **\$US 250.00** to our Deposit Account no. **50-3436** for the payment of the prescribed fees. If any other fees whatsoever are due, the United States Patent and Trademark Office is also hereby authorized to charge any such additional fees to our Deposit Account no. 50-3436.

I. Real Party in Interest (37 CFR § 41.37(c)(1)(i))

The real party in interest in the appeal is the assignee of the application, Nomad Logic Inc., which received its right through assignments from the inventors Jean-Sébastien Lessard, Mathieu Boisclair and Frédéric Simard-Fournier.

II. Related Appeals and Interferences (37 CFR § 41.37(c)(1)(ii))

There are no other related appeals or interferences in process or pending before the U.S. Patent and Trademark Office.

III. Status of Claims (37 CFR § 41.37(c)(1)(iii))

The status of the claims set forth after the Final Office Action mailed June 28, 2005 was and is as follows:

Allowed claims : **none**

Rejected claims : **1-24**

Accordingly, the present appeal is directed to claims **1-24**.

IV. Status of Amendments (37 CFR § 41.37(c)(1)(iv))

Subsequent to the Final Office Action of June 28, 2005, Appellant has not filed any amendments in response to the aforementioned Office Action.

V. Summary of Claims Subject Matter (37 CFR § 41.37(c)(1)(v))

Claim 1

The claimed matter of independent claim 1 relates to a system for the creation and management of location bookmarks. The system comprises at least a data server (Internet server 101, page 14, line 7; public Web servers, page 14, line 9), a user device (mobile units 107 and 108, page 14, lines 15 and 16, Fig. 1) and a data communication network (wireless WAN 102, page 14, line 10 and Fig. 1; wireless LAN 104, page 14, line 11 and Fig. 1; Internet, Fig. 1).

The data server 101 (page 14, line 7 and Fig. 1) itself comprises processor means for processing data (not shown), means for encoding data elements (XML “Extended Mark-up Language”, page 16, lines 20-23), means for storing the data elements on a storage medium (Data Base Location Bookmark 125, page 16, lines 7-8 and Fig. 2), means for selectively accessing the data (Application server 120, page 15, line 24 and Fig. 2; Find Module 123, page 16, lines 3-4 and Fig. 2) and data transceiver means (base transceiver station 103, page 14, line 13 and Fig. 1; LAN access point 106, page 14, line 15 and Fig. 1).

The user device 107 or 108 (page 14, lines 15-16 and Fig. 1) comprises means for determining the location position (A-GPS, TOA, E-OTD, RFID, Bluetooth, page 4, line 7), means for creating data elements relating to the location (page 18, lines 4-9) and data transceiver means (not shown).

Thus, claim 1 pertains to a system in which a user device is used to create a location bookmark with its associated description and position, the bookmark is then sent to a data server, via a data communication network, for processing and storage.

Claims 2 to 11

Claims 2 to 11, dependent on claim 1, only further described what is to be included in the data elements related to the location. The data elements can comprise geographical position such as latitude, longitude, altitude and even the precision of these values. The data elements can also comprise identifier such as text description, video recording, audio recording, image, author information, etc.

Claim 12

Independent claim 12 recites a method which allows an end user to create and store location bookmarks. The method comprises the steps of determining the geographical

position of the location, identifying or creating additional data elements, creating a record (bookmark) with the position and the data elements. These steps are done with the user device. The method further comprises the steps of sending the record (bookmark) to the server via the communication network and storing the record on the server.

Claims 13-16, 18, 22 and 23

Claims 13-16, 18, 22 and 23, dependent on independent claim 12, further recite limitations about the method. Claims 13-15 recite limitation about the device used to create the record. Claim 16 recites the limitation that the record is created with a light browser based client. Claim 18 recites the limitation that the location position is determined with the use of a GPS device.

Claim 22 adds steps to the method of claim 12, namely that the user of the end device can access the server using the communication network, select a record and receive the selected record on the end user device via the communication network.

Claim 23 recites an alternative method wherein a first user creates a record and then transmits the record to a second user via the communication network.

Claim 17

Independent claim 17 recites a method which allows an end user to create and store location bookmarks. The method comprises the steps of determining the geographical position of the location and identifying or creating additional data elements. These steps are done with the user device. The method further comprises the steps of sending the geographical position and the additional data elements to the server via the communication network and storing these data on the server.

Claims 19-21 and 24

Claims 19-21 and 24, dependent on claim 17, further recite limitations about the method. Claim 19 recites that the position is determined with a GPS device. Claim 20 further recites that the GPS device is integrated with a wireless device. Claim 21 recites that the wireless device is a cellular phone.

Claim 24 recites an alternative method wherein a first user determines the position and creates additional data and then transmits these position and data to a second user via the communication network.

VI. Grounds of Rejection to be Reviewed on Appeal (37 CFR § 41.37(c)(1)(vi))

- Claims 1-2, 4, 6, 9 and 12-24 are rejected under 35 USC § 102(e) as being anticipated by the U.S. Patent No. 6,199,045 granted to Michael L. Giniger and Warren Scott Hilton (hereinafter “Giniger”);
- Claims 3 and 10 are rejected under 35 USC § 103(a) as being obvious over the U.S. Patent No. 6,199,045 granted to Michael L. Giniger and Warren Scott Hilton (“Giniger”) in view of the U.S. Patent No. 5,926,116 granted to Hiroaki Kitano and Junichi Rekimoto (hereinafter “Kitano”);
- Claims 5, 7-8 and 11 are rejected under 35 USC § 103(a) as being obvious over the U.S. Patent No. 6,199,045 granted to Michael L. Giniger and Warren Scott Hilton (“Giniger”) in view of the U.S. Patent No. 5,926,116 granted to Hiroaki Kitano and Junichi Rekimoto (“Kitano”) and in further view of the U.S. Patent No. 5,825,283 granted to Elie Camhi (hereinafter “Camhi”).

VII. Arguments (37 CFR § 41.37(c)(1)(vii))

The Examiner’s rejection of claims 1-2, 4, 6, 9 and 12-24 under 35 USC § 102(e) as being anticipated by Giniger is erroneous and should be reversed.

Briefly described, the system of Giniger comprises a server, a wireless user device and a communication network. In the system of Giniger, the wireless device comprises GPS means to determine the current location of the user. The device then sends (periodically) the current position of the user to the server via the communication network. The server then determines a list of locations of interest located near the user. The user can browse through a menu of possible interesting locations sent by the server. It is also possible, in the system of Giniger, to personalize the menu offered to the user.

Thus, as the title of the patent of Giniger implies, Giniger teaches a method and apparatus for providing position-related information to mobile recipient (emphasis added). The system of Giniger is thus relatively passive in nature. The user can indeed select from different locations information near his current location but only from those available on the server. However, and this is a major distinction, the user of the wireless device of the system of Giniger **cannot** create new “location information” and even less “personalized location information”. The user can only receive already existing location information provided by the server.

The system of the Applicants clearly claims the distinctive characteristic that the user can and in fact **creates** new location information (or “location bookmark”). In claim 1 of the application, the Appellants claim a system for the **creation and management** of bookmarks relating to a location (emphasis added). The system comprises a data server, at least a user device and a communication network linking the server and the user device. The Appellants understand that Giniger did disclose a data server, a user device and a communication network linking both. Thus, at first glance, it is possible to believe that Giniger anticipates claim 1. However, when we look closer at the user device of the Appellants, we see that it comprises:

- means for determining location position;

- means for creating data elements relating to the location (emphasis added);
- data transceiver means.

The means for determining the location position and the data transceiver means are known in the art. However, the “means for creating data elements relating to the location” are not disclosed by Giniger and the combination of these means with the other elements of the system is what makes the invention novel.

In the examination report of June 28, 2005, on page 2, the Examiner stated that lines 21-34 of column 11 and lines 1-20 of column 18 taught “means for creating data relating to the location position”. The Appellants respectfully disagree with this interpretation.

The “means for creating data relating to the location position” shown by the Examiner are in fact mere selection of a predetermined “bookmark” in a menu provided by the server. It is of the opinion of the Appellants that selecting an entry in a menu does not mean “to create data elements”. Moreover, going to the description of the Appellants, page 17 line 9 to page 18 line 13, it is clear that the Appellants intended data elements to be data such as text description, image, video and audio recording, keywords, personal notes, etc (see more particularly page 18, lines 4-6). Thus, when construed appropriately, the “means for creating data relating to the location position” imply means to create text description and/or image, record video and/or audio sequences, write keywords and/or personal notes, etc. In other words, the “means for creating” imply the creation of something new by the user.

Moreover, on page 8, lines 4 to 14, the Appellants describe how their invention could be useful to travelers who “*want to record and keep the itinerary of the places they visited during a trip*”. Further, on lines 8-10, the Appellants stated that “*While they (the travelers) record places they go to, they can save information such as if they were*

keeping a “digital ship log” of their trip”. Thus, from the Appellants’ own description, it is clear that the “means for creating” means creating new and personalized information about specific locations and not selecting information in a menu.

The invention of the Appellants also allows the user to create a bookmark about “unidentified” places. If, for example, the user find a nice “viewpoint” along a coastal road, using the Appellants’ invention, the user can create a location bookmark of this particular place for his/her future use. However, using the system of Giniger, the user would not only be unable to get relevant information about the same “viewpoint” because it is an “unidentified” place, he/she would be unable to record and save the location information with Giniger’s portable device.

Thus, the “means for creating data elements relating to the location” are what make this invention novel in view of Giniger. In the system of Giniger and as explained before, the user **cannot** create new entries, he can only select entries from those provided and available on the server. On the other hand, the system of the Appellants’ allows the user to create new information about specific locations, even unidentified ones. Giniger is a passive system whereas the system of the Appellants is proactive.

The Appellants therefore respectfully believe that the “means for creating data relating to the location position” are not only not anticipated by Giniger but that they are novel and that they patentably distinguish claim 1 of the Appellants’ invention from Giniger’s system.

Furthermore, since claims 2, 4, 6 and 9 are dependent on claim 1 which is believed to be patentably distinct, claims 2, 4, 6 and 9 are also believed to be patentably distinct from Giniger when read from independent claim 1.

As for independent method claims 12 and 17, they both recite the step of “identifying and **creating** additional data elements associated to the location” (emphasis added). When we look at the examination report of June 28, 2005, pages 4 and 5, we see that the Examiner considered the elements disclosed in column 6, lines 1-5, column 8, lines 61-64 and column 12, lines 33-37 as “identifying and creating additional data elements associated to the location”.

Here again, the Examiner interpreted the selection of entries in a menu as creation of additional data elements relating to the location. The Appellants respectfully disagree with this interpretation. Indeed, selecting an entry in a menu does not constitute “creating additional data elements” as understood and construed by the Appellants.

As explained for claim 1, the Appellants understand “creating additional data elements” as “inputting related information such as description (text, image, audio, video, etc.), search keywords, personal notes, start and end dates in the case of an event, etc.” (emphasis added). The system of Giniger allows a user to select location information from a menu but it does not allow the user to input (create) new and personalized information about a specific location.

Hence, from the above, it is clear that the system of Giniger does not comprise a method which comprises the step of “identifying and creating additional data elements associated to the location”.

In any case, since the system of Giniger does not comprise “means for creating data relating to the location position”, it follows that it cannot allow a user to “identify and create additional data elements associated to the location” in a related method.

Therefore, the Appellants respectfully believe that claims 12 and 17 are patentably distinct from the teaching of Giniger since Giniger does not teach nor hint at a method which comprises the step of “identifying and creating additional data elements

associated to the location”. Furthermore, dependent claims 13-16 and 18-24 are also believed to be patentably distinct from Giniger when read from claims 12 or 17.

The Examiner’s rejection of claims 3 and 10 under 35 USC § 103(a) as being obvious over Giniger in view of Kitano is erroneous and should be reversed.

The arguments given by the Examiner for the obviousness is the following:

“As per claim 3, Giniger discloses a system as claimed in claim 2. Giniger does not explicitly disclose the system in which the geographical position data elements comprise:

- a) the latitude associated with the location;*
- b) the longitude associated with the location.*

However, in analogous art, Kitano discloses a GPS detection means that detects current position such as a latitude and a longitude at which the portable terminal is positioned (column 4, lines 1-5, 57-60, column 5, lines 31-54).

Therefore, one of ordinary skill in the art at the time of the invention was made would have found it obvious to implement or incorporate associating latitude and longitude with the location in Giniger in order for a terminal’s position to be retrieved.”

The argument for the obviousness of claim 10 is similar and will not be reproduced here.

In her arguments, the Examiner stated that Giniger did not disclose a system in which the geographical data elements comprises latitude and longitude. The Appellants wish to specify that it is not really the system that comprises geographical data elements but more particularly, the data elements created by the “means to create data elements

relating to the location”. It has been already explained that the data elements can comprise description (text, image, audio, video, etc.), search keywords, personal notes, start and end dates in the case of an event, etc. Claims 3 and 10 only recite with more precision what kind of information can be created for a location.

Here, we must remember that claim 3 (and claim 10) ultimately depends on claim 1. Thus, by way of claim dependency, claim 3 includes all the limitations recited in claim 1 (and claim 2 for that matter). Therefore, to find claim 3 obvious in view of Giniger and Kitano, the Examiner must show that first, there is a desirability to combine both teachings and second, that the combined teachings do point in the direction of the Appellants’ invention in order to render it obvious.

As stated in a recent decision from the Board of Patent Appeal and Interference, it is the duty of the Examiner to show that it would have been obvious to combine both teachings. More precisely, the Board stated: “Obviousness cannot be established by combining prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. The mere fact that the prior art may be modified in the manner suggested by an examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” (*Ex parte Gottling* (B.P.A.I. 2005)).

It is of the opinion of the Appellants that the Examiner failed to establish the desirability to combine both patents. She merely said that it would have been obvious without supporting her claim of obviousness with references from both patents.

In any case, is there a desirability to combine both patents?

As explained above, the invention of Giniger mainly comprises a server, a wireless user device and a communication network. In the system of Giniger, the wireless device comprises GPS means to determine the current location of the user. The

device then sends (periodically) the current position of the user to the server via the communication network. The server then determines a list of locations of interest located near the user. The user can browse through a menu of possible interesting locations sent by the server. It is also possible, in the system of Giniger, to personalize the menu offered to the user.

As for the invention of Kitano, it comprises an information retrieval apparatus, an image fetching means (a camera) and selection means. In the system of Kitano, a user device fetches an image of a location and detects the current location of the user. The position information and the image are then sent to a database. The selection means then compare the images stored on the database and associated with positions near the current position of the user with the image fetched by the user. If the selection means find a corresponding image, it sends information associated with the image (i.e. an URL directing to a website) to the user. If no image is found, no information can be sent.

In the system of Giniger, the user sends his current location to the server in order to receive information about possible location of interest located near him. However, the user does not need to know *a priori* what he is looking for. For example, he may be looking for a restaurant without having a specific one in mind.

On the other hand, in the system of Kitano, the user knows exactly what information he wants since he must take a picture of the location of interest in order for the database and the selection means to work appropriately.

Thus, from the point of view of the Appellants, there is no desirability to combine both teachings since the spirit of each invention is substantially different. Giniger's system allows to retrieve information about interesting locations in the surroundings of the user whereas the system of Kitano allows to retrieve information about specific

locations. Both systems are information retrieval systems but they point in different directions as to what information should be retrieved and how.

If, however, it was found that there is a desirability to combine both teachings, would the combined teachings render claims 3 and 10 of the invention of the Appellants obvious?

Since both systems point to an information retrieval system and not to an information creation system, the Appellants respectfully believe that even if combined, both teachings point away from the Appellants' invention. Both the system of Giniger and the system of Kitano allow the user to retrieve information about specific places whereas the invention of the Appellants allows the user to create information (information bookmark) about any places, even unidentified ones. It is thus clear that the combined teachings of Giniger and Kitano point a system which is fundamentally different from the Appellants' system.

Therefore, the Appellants respectfully believe that there is **no** desirability to combine the teachings of Giniger and Kitano and even if combined, the teachings point to a **different** invention than the Appellants' one. Hence, claim 3 and 10 of the Appellants' invention cannot be found obvious in view of Giniger and Kitano.

Furthermore, in her arguments, the Examiner failed to disclose the reason why it would have been obvious to combine the teachings of Giniger and Kitano to create claims 3 and 10 of the invention of the Appellants.

Therefore, the Appellants respectfully believe that claims 3 and 10 are fully patentable over the prior art.

The Examiner's rejection of claims 5, 7-8 and 11 under 35 USC § 103(a) as being obvious over Giniger in view of Kitano and in further view of Camhi is erroneous and should be reversed.

For claims 5, 7-8 and 11, the Examiner added the teaching of Camhi to the teachings of Giniger and Kitano since Camhi disclosed the use of altitude as geographical data elements.

As for claims 3 and 10, here, we must see if there is a desirability to combine the three teachings and if the combined teachings point in the direction of the Appellants' invention, namely claims 5, 7-8 and 11.

Here again, we must bear in mind that claims 5, 7-8 and 11 ultimately depend on claim 1 and thus, include the limitations of claim 1 by reference.

It has been already demonstrated that there is no clear desirability to combine the teaching of Giniger and Kitano and that even if combined, they point to a different invention than the Appellants' one.

In a nutshell, the system of Camhi comprises an apparatus for the monitoring of objects or persons. The apparatus comprises location determining system, display system, memory, a processor and communications means. In the system of Camhi, the apparatus determines the current position of the object/person and compares the position with values and boundaries stored in the memory of the system. Upon comparison, the device can act accordingly. For example, if the object/person is in a prohibited zone, the system can generate an alarm or send a warning signal to the apparatus. The warning signal allows the object/person a period of time to leave the prohibited zone. If other devices are coupled to the processor, the system can also monitor the information given by these other devices.

It has been shown above that both the systems of Giniger and Kitano point to information retrieval systems in which the user retrieves information about his location, may be it specific or general information. On the other hand, the system of Camhi is a surveillance system. Even if all these systems use location determination means, all systems point to different direction, the more so in the case of Camhi. Giniger and Kitano use the location position to give position related information to the user whereas Camhi uses the location position to monitor the user.

There is thus clearly no desirability to add the teaching of Camhi to the combined teachings of Giniger and Kitano.

Moreover, the arguments given by the Examiner to show the obviousness of claim 5, 7-8 and 11 is the following:

“As per claim 5, Giniger discloses a system as claimed in claim 3. Giniger does not explicitly disclose the system comprising data elements which are adapted to contain data representations of the altitude associated with the location. However, Camhi discloses a tracking device that utilizes satellites of the Global Positioning System to provide location information such as latitude, longitude, and altitude (column 2, lines 63-67).

Therefore, one of ordinary skill in the art at the time of the invention was made would have found it obvious to implement or incorporate associating altitude with the location in Giniger in order for automobile to be tracked.”
(emphasis added)

First, the Examiner does not state clearly why it would have been obvious to combine all these teachings. As stated above, it is her duty to show such a desirability in her argumentation.

Second, the Examiner speaks about “automobile to be tracked”. The Appellants wish to point that nowhere in their application do they discuss about tracking automobile. Tracking or monitoring object/person was never hinted nor contemplate in the description of the Appellants. Thus, Camhi clearly teaches away from the Appellants’ invention. Moreover, even if there was a desirability to combine the patents of Giniger, Kitano and Camhi, the combined teachings would definitely not point nor hint to the invention of the Appellants, the more so if the combined invention is used to track automobiles, as explicitly stated by the Examiner.

Therefore, since there is no clear desirability to combine and that even if combined, the teachings would point away from the Appellants’ invention, the Appellants respectfully believe that claims 5, 7-8 and 11 are fully patentable over the prior art.

VIII. Claims Appendix (37 CFR § 41.37(c)(1)(viii))

WHAT IS CLAIMED IS:

1. (previously amended) A system for the creation and management of bookmarks relating to a location comprising:
 - a. a data server comprising:
 - i. processor means for processing data;
 - ii. means for encoding data elements relating to said location;
 - iii. means for storing said data elements on a storage medium;
 - iv. means for selectively accessing said data;
 - v. data transceiver means;
 - b. at least one user device comprising:
 - i. means for determining said location position;
 - ii. means for creating data elements relating to said location;
 - iii. data transceiver means.
 - c. a data communication network adapted to connect said user device to said data server.
2. (previously presented) A system as claimed in claim 1 in which the data elements are adapted to contain data representations of:
 - a. the geographical position of the location; and
 - b. an identifier associated with the location.
3. (previously presented) A system as claimed in claim 2 in which the geographical position data elements comprise:
 - a. the latitude associated with the location; and
 - b. the longitude associated with the location.

4. (previously presented) A system as claimed in claim 2 wherein said identifier is one or more of the following:
 - a. a text;
 - b. a video recording;
 - c. an audio recording; and/or
 - d. an image.
5. (previously presented) A system as claimed in claim 3 further comprising data elements which are adapted to contain data representations of the altitude associated with the location.
6. (previously presented) A system as claimed in claim 4 further comprising data elements which are adapted to contain data representations of the identification of the author of the bookmark.
7. (previously presented) A system as claimed in claim 6 further comprising data elements which are adapted to contain data representations of the accuracy of the data representations of the latitude, the longitude and the altitude.
8. (previously presented) A system as claimed in claim 1 in which the data elements are adapted to contain data representations of:
 - a. the latitude associated with the location;
 - b. the longitude associated with the location;
 - c. an identifier associated with the location; and
 - d. the altitude associated with the location.
9. (previously presented) A virtual location bookmark for use with a system as described in claim 1 in which the data elements are adapted to contain data representations of :
 - a. the geographical position of the location; and
 - b. an identifier associated with the location.

10. (previously amended) A virtual bookmark as claimed in claim 9, wherein the geographical position data elements comprise;
 - a. the latitude associated with the location; and
 - b. the longitude associated with the location.
11. (previously presented) A virtual location bookmark as claimed in claim 10, further comprising the altitude associated with the location;
12. (previously amended) A method allowing an end user to create and store information concerning a location, said method using a system comprising a data server, at least a user device and a data communication network, said method comprising the steps of:
 - a. determining the geographical position of the location using said user device;
 - b. identifying or creating additional data elements associated to said location;
 - c. creating a record comprising said position and said additional data elements using said user device;
 - d. transmitting said record from said user device to said data server using said data communication network;
 - e. storing said record in said data server.
13. (previously presented) A method as claimed in claim 12 wherein the said record is created by the user of a wireless device.
14. (previously presented) A method as described in claim 12 wherein said record is created by the user of a wired device.
15. (previously presented) A method as claimed in claim 13 wherein said wireless device is a cellular telephone.

16. (previously presented) A method as claimed in claim 12 wherein said record is created by the user of a browser based light client.
17. (previously amended) A method allowing an end user to create and store information concerning a location, said method using a system comprising a data server, at least a user device and a data communication network, said method comprising the steps of:
 - a. determining the geographical coordinates of the location using said user device;
 - b. identifying or creating additional data elements associated to said location using said user device;
 - c. transmitting said geographical coordinates and said additional data elements from said user device to said data server using said data communication network;
 - d. storing said coordinates and said additional data elements in said data server.
18. (previously presented) A method as claimed in claimed 12 wherein said coordinates are determined with the use of a GPS device.
19. (previously presented) A method as claimed in claimed 17 wherein said coordinates are determined with the use of a GPS device.
20. (previously presented) A method as claimed in claim 19 wherein said GPS device is integrated to a wireless communication device.
21. (previously presented) A method as claimed in claim 20 wherein said wireless communication device is a cellular telephone.
22. (previously amended) A method allowing an end user to manage a record created pursuant to the method claimed in claim 12, comprising the steps of :
 - a. accessing said data server using said data communication network using a wireless device;
 - b. selecting said record said data server;

- c. communicating said record over said data communication network to the user of said wireless device.

23. (previously added) A method as claimed in claim 12, wherein the system further comprises a second user device, said method further allowing an end user to share said information concerning a location with a second end user, said method further comprising the step of transmitting said record from said first user device to said second user device using said data communication network.

24. (previously added) A method as claimed in claim 17, wherein the system further comprises a second user device, said method further allowing an end user to share said information concerning a location with a second end user, said method further comprising the step of transmitting said geographical coordinates and said additional data elements from said first user device to said second user device using said data communication network.

IX. Evidence Appendix (37 CFR § 41.37(c)(1)(ix))

Enclosed with the present Brief of Appeal and submitted in triplicate are the relevant cited prior art, namely:

U.S. Patent No. 6,199,045 granted to Michael L. Giniger and Warren Scott Hilton;

U.S. patent No. 5,926,116 granted to Hiroaki Kitano and Junichi Rekimoto; and

U.S. patent No. 5,825,283 granted to Elie Camhi;

There is no further evidence submitted with this Brief of Appeal.

Application No. 09/931,896
Amended Brief of Appeal dated December 8, 2005
Relating to Office Action of June 28, 2005

X. Related Proceedings Appendix (37 CFR § 41.37(c)(1)(x))

There is no related proceedings identified pursuant to 37 CFR § 41.37(c)(1)(ii).

Conclusion

In view of the foregoing, the Appellants respectfully submit that claims 1-24 are patentable over the cited prior art. Accordingly, it is respectfully requested that the Examiner's rejection be reversed.

All telephone conversations should be directed to Robert Brouillette at (514) 397-6900.

Respectfully submitted,
BROUILLETTE & PARTNERS

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